

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9**

VISTAR TRANSPORTATION, LLC ^{1/}

Employer

and

Case 09-RC-260125

**GENERAL DRIVERS, WAREHOUSEMEN AND
HELPERS, LOCAL UNION NO. 89, AFFILIATED
WITH THE INTERNATIONAL BROTHERHOOD
OF TEAMSTERS**

Petitioner

DECISION AND DIRECTION OF ELECTION

I. INTRODUCTION

General Drivers, Warehousemen and Helpers, Local Union No. 89, affiliated with the International Brotherhood of Teamsters (Petitioner) seeks to represent a unit of all full-time and regular part-time drivers employed by Vistar Transportation, LLC (Employer) out of its facility located at 2701 Stanley Gault Pkwy, Louisville, Kentucky, excluding all other employees, warehouse employee, receivers, inventory cycle counters, janitors, office clerical employees, professional employees, guards and supervisors as defined by the National Labor Relations Act (Act). There are approximately 17 employees in the petitioned-for unit. The parties have stipulated, and I find, that the agreed upon unit set forth above is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act.

A hearing was held telephonically on May 18, 2020 ^{2/} before a hearing officer of the National Labor Relations Board (Board). The only issue presented in this matter, as discussed in more detail below, is whether to direct a manual or mail ballot. Election details, including the type of election to be held, are nonlitigable matters left to the discretion of the Acting Regional Director, but the parties were permitted to orally argue their position as it relates to the mechanics of this election. I have carefully considered the positions and arguments presented by the parties on this single issue. For the reasons discussed below, I find that a prompt mail ballot election is appropriate given the extraordinary circumstances presented by the COVID-19 pandemic.

II. FACTS

At the outset, I take administrative notice of the pandemic health situation that exists in the United States, and continues to affect the way that individuals, businesses, organizations, and governments conduct their daily operations. On March 11, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization. I also take administrative notice

^{1/} The Employer's name appears as amended at the hearing.

^{2/} All dates hereafter are in 2020 unless otherwise indicated.

of the information, guidance and recommendations of the Centers for Disease Control and Prevention (CDC), an agency of the United States Government. ^{3/} The CDC states:

[t]he virus that causes COVID-19 is thought to spread mainly from person to person, mainly through respiratory droplets produced when an infected person coughs or sneezes. These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. Spread is more likely when people are in close contact with one another (within about 6 feet).

...the virus has also been detected in asymptomatic persons. ^{4/}

The CDC recommendations for dealing with this public health threat include the avoidance of gatherings of more than 10 people, the use of cloth face coverings and social distancing, among other recommendations. The CDC further states:

Although the virus can survive for a short period on some surfaces, it is unlikely to be spread from domestic or international mail, products or packing. However, it may be possible that people can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or possible their eyes, but this is not thought to be the main way the virus spreads. ^{5/}

To avoid the unlikely possibility of contracting COVID-19 through the mail, the CDC simply advises:

After collecting mail from a post office or home mailbox, wash your hands with soap and water for at least 20 seconds or use a hand sanitizer with at least 60% alcohol. ^{6/}

Further, although not directly addressing Board elections, the CDC has specifically issued guidance on elections, Recommendations for Election Polling Locations, stating that officials should encourage mail-in voting. The CDC states, in pertinent part:

Encourage voters to use voting methods that minimize direct contact with other people and reduce crowd size at polling stations.

- Encourage mail-in methods of voting if allowed in the jurisdiction. ^{7/}

In addition, many state and local governments have issued restrictions tailored to the specific situation in specific communities. Kentucky Governor Andy Beshear has issued several

^{3/} See: <https://www.cdc.gov/coronavirus/2019-ncov/faq.html>.

^{4/} <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Coronavirus-Disease-2019-Basics>.

^{5/} <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#How-to-Protect-Yourself>.

^{6/} <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/essential-goods-services.html>.

^{7/} <https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html>.

directives applicable to businesses and residents of the Commonwealth of Kentucky and those that might consider traveling throughout the Commonwealth. On March 6, Governor Beshear issued a State of Emergency (Executive Order 2020-215) in response to the developing COVID-19 crisis in the United States and the Commonwealth. Thereafter, on March 17, Governor Beshear ordered the closing of all public-facing businesses that encourage public congregation or could not comply with CDC guidelines concerning social distancing. On March 19, the Cabinet for Health and Family Services, Department of Public Health, pursuant to the authority in the Governor's orders, prohibited all mass gatherings. Mass gatherings include any event or convening that brings together groups of individuals. Further restricting the movement of individuals within the Commonwealth of Kentucky, on March 25, Governor Beshear issued Executive Order 2020-257 where: (1) all non-life-sustaining businesses were ordered to close by March 26 at 8:00 p.m. and (2) all Commonwealth residents were encouraged to remain at home. On March 30, Governor Beshear issued Executive Order 2020-258 directing residents of the Commonwealth of Kentucky to refrain from traveling to other states, with limited exceptions. That order was expanded on April 2 to include certain restrictions of out-of-state movement into the Commonwealth of Kentucky.

Governor Beshear has also adopted certain CDC recommendations for combating the spread of the virus. On April 4, he adopted the CDC recommendations that people wear cloth face masks while continuing to engage in social distancing when outside of the home and in situations where social distancing is difficult to maintain. Governor Beshear continues to adopt the CDC's guidance on cloth face coverings and avoiding large gatherings.

On May 11, the Commonwealth of Kentucky began reopening sectors of the economy that were closed due to the COVID-19 pandemic.^{8/} In order for businesses to reopen and comply with Governor Beshear's Healthy at Work order, those businesses must meet certain Minimum Requirements in addition to sector specific guidance, including enforcing social distancing, limiting face-to-face interaction, encouraging the use of PPE, restricting common areas, and conducting daily temperature/health checks, among other requirements. The Minimum Requirements also apply to businesses who have remained open as essential operations. On May 20, Governor Beshear amended its Mass Gatherings Order effective May 22. Under the current order, gatherings of more than 10 people remain prohibited.

The Employer in this case is engaged in the distribution of food and food products from its facility, specifically candy, snacks, beverages, and other convenience food items. As a transporter of food products, the Employer has remained open throughout the emerging crisis as a critical and essential business, and its drivers have continued to report to the Employer's distribution center at Louisville Kentucky, notwithstanding the Commonwealth of Kentucky's shelter-in-place orders. The Employer's facility is in Jefferson County, Kentucky, which has reported over 25 percent of all confirmed cases of COVID-19 in the Commonwealth.^{9/}

^{8/} <https://govstatus.egov.com/ky-healthy-at-work>.

^{9/} See: <https://kygeonet.maps.arcgis.com/apps/opsdashboard/index.html#/543ac64bc40445918cf8bc34dc40e334>.

III. POSITION OF THE PARTIES

A. Petitioner's Position – Mail Ballot Elections is Necessary

The Petitioner maintains that a mail ballot election is necessary because of the extraordinary circumstances of the current COVID-19 pandemic. According to the Petitioner, a mail ballot election is the only method that ensures the safety of all persons involved in the election process. Petitioner contends that Jefferson County, where the Employer's facility is located, has the most positive cases of COVID-19 in Kentucky. Additionally, it noted that at the time of the hearing, out of the 328 deaths in Kentucky due to COVID-19, 115 were in Jefferson County. Therefore, it contends that because of the amount of positive cases and deaths due to COVID-19 in Jefferson County, a manual vote election is inappropriate.

B. Employer's Position - Manual Election at the Employer's Facility

The Employer asserts that a manual election should be directed based on the Board's longstanding policy favoring manual balloting and argues that ordering a mail ballot election would be an abuse of discretion. In this regard, it contends that the Board has limited the instances in which a mail ballot election may be appropriate to the following three situations: (1) when eligible voters are 'scattered' over a wide geographic area; (2) when eligible voters' work schedules vary significantly; and (3) in the event of a strike, lockout, or picketing. According to the Employer, none of these scenarios are present in the instant case. The Employer notes that all 17 employees in the petitioned-for unit have to report to work on a daily basis from Monday to Friday and their work schedules do not vary significantly. The drivers dispatch in the early morning hours and return to the facility at the conclusion of their delivery route in the mid-afternoon at varying times.

The Employer represents that because it has been operating throughout the stay-at-home order, it has learned how to create a safe environment for its employees, which can be utilized to run a safe manual election at its facilities. In this regard, some of the safety measures in place are: (1) health screenings and temperature checks of employees before entering the facility; (2) sending home employees who exhibit COVID-19 symptoms; (3) restricting access to visitors and performing health screening of visitors allowed in the premises; (4) implementing social distancing protocols; (5) sanitizing the entire facility with hospital-grade sanitation products daily, including trucks and trailers; (6) placing of hand sanitizing stations throughout the facility; (7) requiring the use of masks in common areas; (8) providing personal protective equipment (PPE) to employees and visitors, including face masks, gloves, and hand sanitizer, and (9) posting health and safety signage in common areas. Additionally, it claims that it has a conference room that would allow voters to maintain social distancing measures. It added that holding an election at the facility does not represent a greater risk of exposure to COVID-19, because these employees have been working throughout the pandemic. The Employer noted that the Commonwealth of Kentucky began Phase II reopening on May 18, which included the opening of government agencies and offices.

The Employer also argues that the use of mail ballots has a likelihood of disenfranchising voters because the United States postal service is unreliable. Furthermore, it asserts that a manual

election, unlike a mail ballot election, preserves the laboratory conditions necessary for Board elections. Finally, the Employer asserts that there are safety hazards inherent to the mail ballot process because employees must handle mail, thus potentially transferring the virus

IV. ANALYSIS

Pursuant to Sec. 102.66(g)(1) of the Board's Rules and Regulations, a hearing officer is required to solicit the parties' positions regarding the type of election "but shall not permit litigation of those issues." This provision is consistent with longstanding Board precedent holding that election details — including the type of election to be held — are nonlitigable matters left to the discretion of the Acting Regional Director. See, *Representation-Case Procedures*, 84 Fed. Reg. 69524, 69544 fn. 82 (Dec. 18, 2019) (citing *Manchester Knitted Fashions, Inc.*, 108 NLRB 1366, 1367 (1954)).

The determination of the method of election is within the discretion of the Acting Regional Director, so long as consideration is given to the relevant factors. See, *Halliburton Services*, 265 NLRB 1154 (1982); *Manchester Knitted Fashions*, 108 NLRB 1366 (1954); see also, NLRB Casehandling Manual (Part Two), Representation Proceedings, Sections 11228, 11301.2, and 11301.4. In specific instances where mail or mixed manual-mail ballot elections are being contemplated, the Board has stated:

[w]hen deciding whether to conduct a mail ballot election or a mixed manual-mail ballot election, the Acting Regional Director should take into consideration at least the following situations that normally suggest the propriety of using mail ballots: (1) where eligible voters are 'scattered' because of their job duties over a wide geographic area; (2) where eligible voters are 'scattered' in the sense that their work schedules vary significantly, so that they are not present at a common location at common times; and (3) where there is a strike, a lockout or picketing in progress.

San Diego Gas & Electric, 325 NLRB 1143, 1145 (1998). A Regional Director's exercise of the broad discretion afforded by the Board in selecting the appropriate mechanics for an election will not be overturned "unless a clear abuse of discretion is shown." *Nouveau Elevator Industries*, 326 NLRB 470, 471 (1998), citing *San Diego Gas & Electric*, 325 NLRB at 1144, fn. 4. Although the Board expects Regional Directors to exercise their discretion within the guidelines outlined above, it recognizes that deviation from those guidelines may occur in extraordinary circumstances. *San Diego Gas & Electric*, 325 NLRB at 1145.

The Board has already applied the guidelines in *San Diego Gas & Electric* to the extraordinary circumstances created by the COVID-19 pandemic in an unpublished Order issued in *Atlas Pacific Engineering Company*, Case 27-RC-258742 on May 8. In that case the Regional Director directed a mail ballot election notwithstanding the employer's argument that a manual election could be safely accomplished at its facility. The Board denied the employer request for review of the Regional Director's Decision and Direction of Election, stating:

[i]n finding that a mail-ballot election is warranted in this case, we rely on the extraordinary federal, state, and local government directives that have limited nonessential travel, required the closure of nonessential businesses, and resulted in a determination that the regional office charged with conducting this election should remain on mandatory telework. Mandatory telework in the regional office is based on the Agency's assessment of current COVID-19 pandemic conditions in the local area. Under all of the foregoing circumstances, we are satisfied that the Regional Director did not abuse her discretion in ordering a mail-ballot election here.^{10/}

Due to the current environment caused by the pandemic, the Board found that the Regional Director did not abuse her discretion in relying on the "extraordinary circumstances" language of the Board's decision in *San Diego Gas & Electric* to order a mail ballot.

Given the extraordinary circumstances caused by the spread of COVID-19 that still face the Commonwealth of Kentucky and the entirety of the United States, I find it appropriate to exercise my discretion to direct a mail ballot, the details of which are provided below. Not only do I derive such discretion from extant case law, the Board has specifically emphasized Regional Director's discretion in directing elections during these unprecedented times. In its April 1 press release announcing that Board-conducted elections would resume on April 6 after a 2-week suspension, the Board noted that, "...appropriate measures are available to permit elections to resume in a safe and effective manner, which will be determined by the Regional Directors."^{11/} Accordingly, in weighing the propriety of resuming elections - a "core" function "to the NLRB's mission" - during these extraordinary and unpredictable times, the Board concluded, with input from the Board's General Counsel, that elections should resume, subject to individual Regional Director's discretion. *Id.* As such, the Board, with the General Counsel's input, has afforded to Regional Directors the discretion, specific to the COVID-19 pandemic, to resume elections in a safe and effective manner, and I choose to appropriately exercise that discretion in this instance.

As noted above, current Federal and State public health guidance discourages gatherings and a mail ballot election minimizes the risks of spreading COVID-19. As of May 28, there were 2,267 cases of COVID-19 in Jefferson County, 25 percent of all cases reported in the Commonwealth of Kentucky, and the highest number of cases within any county. While Kentucky has begun a phased reopening, gatherings of more than 10 people remain prohibited.^{12/}

I have considered the Employer's proffered plans to safely run a manual election at its facility, but even those measures cannot guarantee the safety of all those involved in a manual election. A manual election necessarily involves the face-to-face interaction of numerous people. Party representatives, the observers, and the Board agent would have to gather for approximately

^{10/} *Atlas Pacific Engineering Company*, 27-RC-258742, fn. 1 (May 8, 2020); see also *Touchpoint Support Services, LLC*, 07-RC-258867, fn. 1 (May 18, 2020) (Unpublished order); *Seminole Electric Cooperative*, 12-RC-256815, fn. 1 (May 28, 2020) (Unpublished order).

^{11/} <https://www.nlr.gov/news-outreach/news-story/nlr-resumes-representation-elections>.

^{12/} The Region 9 office charged with conducting the election in this matter remains on mandatory telework due to spread of COVID-19 within its jurisdiction. See: the Board's rationale cited in *Atlas Pacific Engineering*, *supra*.

15 to 30 minutes for the pre-election conference, including the check of the voter list and the parties' inspection of the voting areas. The Board agent and observers will need to share a voting area for the duration of the proposed manual election for 4 hours. The observers would need to check in voters on the voter list. The Board agent must provide a ballot to each voter. The Board agent must also count the ballots cast by all voters at the end of the election, typically held in the same voting area, with the observers, party representatives, and other employees who wish to attend. These circumstances could present difficulties in preventing the spread of the coronavirus if any of those involved are infected and, as noted, persons may be infected without knowing it because they are asymptomatic and/or have not been tested for the virus. Thus, even with such precautions in place, a manual election appears to present a substantially greater risk of spreading COVID-19 than a mail ballot election.

The Employer's arguments against holding a mail ballot election because of potential safety measures are unavailing. There is no evidence that mail ballot elections endanger public health or that people have been infected with the novel coronavirus by the handling of mail. To the contrary, as noted above, the CDC's guidance states that COVID-19 is "unlikely to be spread from domestic or international mail, products or packaging." Furthermore, the CDC has encouraged officials, although not specific to Board elections, to use voting methods that minimize direct contact with other people such as mail-in methods.

Finally, although the Board has a strong general preference of conducting manual elections, it also has a long history of conducting elections by mail. "From the earliest days of the Act, the Board has permitted eligible voters in appropriate circumstances to cast their ballots by mail." *London Farm Dairy*, 323 NLRB 1057 (1997) and cases cited therein. Indeed, the Board has previously rejected arguments that mail ballot elections are inherently less secure, and that they would likely result in voter coercion or reduce voter participation. See, *San Diego Gas & Electric*, 325 NLRB at 1146; *London Farm Dairy*, 323 NLR at 1058. While long-standing Board policy favors manual elections, mail ballot elections continue to be often utilized and continue to have their place in circumstances where manual elections are challenging, including the extraordinary circumstances caused by this global pandemic.

For the foregoing reasons, I direct a mail ballot election to be conducted in accordance with the election details discussed below.

V. CONCLUSIONS AND FINDINGS

Based upon the entire record in this matter and in accordance with the discussion above, I conclude and find as follows:

1. The hearing officers' rulings made at the hearing are free from prejudicial error and are hereby affirmed.

2. The Employer is engaged in commerce within the meaning of the Act, as stipulated by the parties, and it will effectuate the purposes of the Act to assert jurisdiction in this case. ^{13/}
3. The petitioner is a labor organization within the meaning of Section 2(5) of the Act and claims to represent certain employees of the Employer.
4. No collective-bargaining agreement covers the employees in the petitioned-for unit, and there is no contract bar or other bar in existence to an election in this case.
5. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.
6. The following employees of the Employer, as stipulated by the parties, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time drivers employed by the Employer and working out of the facility located at 2701 Stanley Gault Pkwy, Louisville, Kentucky 40223; excluding all other employees, warehouse employee, receivers, inventory cycle counters, janitors, office clerical employees, professional employees, guards and supervisors as defined by the Act.

DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. Employees will vote whether or not they wish to be represented for purposes of collective bargaining by GENERAL DRIVERS, WAREHOUSEMEN AND HELPERS, LOCAL UNION NO. 89, AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS.

A. Election Details

The election will be conducted by United States mail. The ballots will be mailed to employees employed in the appropriate collective-bargaining unit. At approximately 4:30 PM on **Monday, June 15, 2020**, ballots will be mailed to voters by the National Labor Relations Board, Region 9. ^{14/} Voters must sign the outside of the envelope in which the ballot is returned. Any ballot received in an envelope that is not signed will be automatically void.

^{13/} The parties stipulated and I find that the Employer is a Colorado corporation that is engaged in the operation of food and food-related products distribution from its facility located in Louisville, Kentucky. The Employer annually derives gross revenue in excess of \$1,000,000 and purchases goods or supplies valued in excess of \$50,000 directly from suppliers located outside the Commonwealth of Kentucky.

^{14/} At the hearing, the Petitioner waived its 10-day entitlement to the voter list.

Those employees who believe that they are eligible to vote and did not receive a ballot in the mail by **Thursday, June 25, 2020**, should communicate immediately with the National Labor Relations Board by either calling the Region 9 Office at (513) 684-3686 or our national toll-free line at 1-866-667-NLRB (1-866-667-6572).

The ballots should be returned to the Regional Office by **Tuesday, July 7, 2020**. All ballots will be commingled and counted at the Region 9 Office, John Weld Peck Federal Building, National Labor Relations Board, 550 Main Street, Room 3-111, Cincinnati, Ohio on **Wednesday, July 8, 2020, at Noon**.^{15/} In order to be valid and counted, the returned ballots must be received in Region 9 Office, prior to the counting of the ballots. Due to the above-described extraordinary circumstances of the COVID-19 pandemic, if, on the date of the count, the Regional Office is not available to the parties for the count, the count will take place virtually, on a videoconference platform (such as WebEx, Skype, etc.) to be determined by the Acting Regional Director. If the Acting Regional Director determines this is likely, the parties will be provided information on how to participate in the count by video conference.

B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending **May 23, 2020**, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off.

Employees engaged in an economic strike, who have retained their status as strikers and who have not been permanently replaced, are also eligible to vote. In addition, in an economic strike that commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Unit employees in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

C. Voter List

As required by Section 102.67(l) of the Board's Rules and Regulations, the Employer must provide the Regional Director and parties named in this decision a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cell telephone numbers) of all eligible voters.

^{15/} I am directing a 21-day voting period at the Employer's and Petitioner's request.

To be timely filed and served, the list must be *received* by the Acting Regional Director and the parties by **June 2, 2020**. The list must be accompanied by a certificate of service showing service on all parties. **The Region will no longer serve the voter list.**

Unless the Employer certifies that it does not possess the capacity to produce the list in the required form, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. Because the list will be used during the election, the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015.

When feasible, the list shall be filed electronically with the Region and served electronically on the other parties named in this decision. The list may be electronically filed with the Region by using the E-filing system on the Agency's website at www.nlr.gov. Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions.

Failure to comply with the above requirements will be grounds for setting aside the election whenever proper and timely objections are filed. However, the Employer may not object to the failure to file or serve the list within the specified time or in the proper format if it is responsible for the failure.

No party shall use the voter list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

D. Posting of Notices of Election

Pursuant to Section 102.67(k) of the Board's Rules, the Employer must post copies of the Notice of Election accompanying this Decision in conspicuous places, including all places where notices to employees in the unit found appropriate are customarily posted. The Notice must be posted so all pages of the Notice are simultaneously visible. In addition, if the Employer customarily communicates electronically with some or all of the employees in the unit found appropriate, the Employer must also distribute the Notice of Election electronically to those employees. The Employer must post copies of the Notice at least 3 full working days prior to 12:01 a.m. of the day of the election and copies must remain posted until the end of the election. For purposes of posting, working day means an entire 24-hour period excluding Saturdays, Sundays, and holidays. However, a party shall be estopped from objecting to the nonposting of notices if it is responsible for the nonposting, and likewise shall be estopped from objecting to the nondistribution of notices if it is responsible for the nondistribution. Failure to follow the posting requirements set forth above will be grounds for setting aside the election if proper and timely objections are filed.

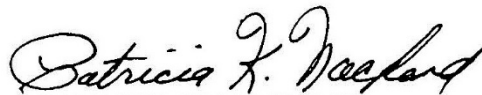
RIGHT TO REQUEST REVIEW

Pursuant to Section 102.67 of the Board's Rules and Regulations, a request for review may be filed with the Board at any time following the issuance of this Decision until 14 days after a final disposition of the proceeding by the Acting Regional Director. Accordingly, a party is not precluded from filing a request for review of this decision after the election on the grounds that it did not file a request for review of this Decision prior to the election. The request for review must conform to the requirements of Section 102.67 of the Board's Rules and Regulations.

A request for review may be E-Filed through the Agency's website but may not be filed by facsimile. To E-File the request for review, go to www.nlr.gov, select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the request for review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Acting Regional Director. A certificate of service must be filed with the Board together with the request for review.

Neither the filing of a request for review nor the Board's granting a request for review will stay the election in this matter unless specifically ordered by the Board.

Dated: May 29, 2020



Patricia K. Nachand, Acting Regional Director
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